

MPD
BOND

**U.S. District Court
Middle District of Florida (Orlando)
CRIMINAL DOCKET FOR CASE #: 6:11-mj-01148-DPD All
Defendants
Internal Use Only**

Case title: USA v. Miner

Date Filed: 03/22/2011

Date Terminated: 03/23/2011

Assigned to: Magistrate
Judge Donald Paul Dietrich

Defendant (1)

David Miner

TERMINATED: 03/23/2011

represented by **David Miner**

329 Needles Court
Longwood, FL 32779
PRO SE

James Wesley Smith , III
Federal Public Defender's
Office
Suite 300
201 S Orange Ave
Orlando, FL 32801
407/648-6338
Fax: 407/648-6095
Email: james_smith@fd.org
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

CERTIFIED A TRUE COPY
SHERYL L. LOESCH, CLERK
U. S. DISTRICT COURT
By: 
Deputy Clerk

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Terminated Counts

Disposition

None

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

26:7212A.F CORRUPT OR
FORCIBLE
INTERFERENCE,
26:7203D.F WILLFUL
FAILURE TO FILE
RETURN/INFORMATION,
ETC.

Plaintiff

USA

represented by **Vincent Chiu**

US Attorney's Office - FLM
Suite 300
501 W Church St
Orlando, FL 32805
407/648-7566
Fax: 407/648-7643
Email:
vincent.chiu@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
03/22/2011	<u>1</u>	Arrest - Rule 5(c) of David Miner. (MAM) (Entered: 03/22/2011)
03/22/2011	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Donald Paul Dietrich: Initial Appearance in Rule 5 (c)(3) Proceedings as to David Miner held on 3/22/2011. (DIGITAL) (Attachments: # <u>1</u> Indictment from Eastern District of Tennessee, # <u>2</u> Warrant from Eastern District of Tennessee) (MAM) (Entered: 03/22/2011)
03/22/2011	<u>3</u>	***CJA 23 financial affidavit by David Miner. (MAM) (Entered: 03/22/2011)
03/22/2011	<u>4</u>	APPEARANCE AND COMPLIANCE BOND entered as to David Miner. Signed by Magistrate Judge Donald Paul Dietrich (MAM) Copies mailed/mailed. (Entered: 03/22/2011)
03/22/2011	<u>5</u>	ORDER Setting Conditions of Release as to David Miner (1). Signed by Magistrate Judge Donald Paul Dietrich on 3/22/2011. (MAM) Copies mailed/mailed. (Entered: 03/22/2011)
03/23/2011	<u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to David Miner. Signed by Magistrate Judge Donald Paul Dietrich on 3/22/2011. (MAM) Copies mailed/mailed. (Entered: 03/23/2011)
03/23/2011	<u>7</u>	ORDER of removal pursuant to rule 5(c)(2) to District of Eastern District of Tennessee as to David Miner. Signed by Magistrate Judge Donald Paul Dietrich on 3/22/2011. (MAM) Copies mailed/mailed. (Entered: 03/23/2011)
03/23/2011	<u>8</u>	TRANSFER Rule(5)(c)(3) to Eastern District of Tennessee as to David Miner. (MAM) Copies mailed/mailed. (Entered: 03/23/2011)



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
www.flmd.uscourts.gov

MEMORANDUM

UNITED STATES OF AMERICA

-vs-

Case No. 11-1148-01

DAVID MINER

DATE: March 23, 2011

Your Case No.: 3:11-cr-25

TO: United States District Court
Eastern District of Tennessee
800 Market Street, Suite 130
Knoxville, TN 37902

FROM: Maurya McSheehy, Courtroom Deputy for
Donald P. Dietrich, United States Magistrate Judge
(407) 835-3975
U.S. Courthouse
401 West Central Boulevard
Orlando, Florida 32801

SUBJECT: Rule 5 (c) Proceedings

The above-styled case originated in your division. Enclosed please find original documents regarding proceedings held in the Middle District of Florida in Orlando, Florida wherein the following action was taken:

INITIAL APPEARANCE: MARCH 22, 2011

RELEASE/DETENTION: Conditions of Release were set and Defendant was released on bond.

SCHEDULED HEARING: Upon notice by the charging district.

CHARGING DOCUMENT: Indictment

Enclosures

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No. 6:11-mj-1148

DAVID MINER

**AUSA: Vincent Chiu
Defense Atty.: James Smith**

JUDGE	Donald P. Dietrich United States Magistrate Judge	DATE AND TIME	March 22, 2011 10:34 am - 10:53 am
DEPUTY CLERK	Maurya McSheehy	TAPE/REPORTER	DIGITAL
INTERPRETER	None	PRETRIAL/PROB:	Candice Bunk

**Clerk's Minutes
INITIAL APPEARANCE RULE 5(c)
From Eastern District of Tennessee**

Defendant was arrested 3/22/11

Case called, appearances taken
Procedural setting by the Court
Agent placed under oath and identified defendant
Government summarizes charges
Defendant admits identity
Court advises defendant of charges and rights
Defendant requests appointment of counsel
Court appoints Federal Public Defender
Government does not seek detention
Order setting conditions of release to enter
Court to enter order of removal

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No. 11-1148-01

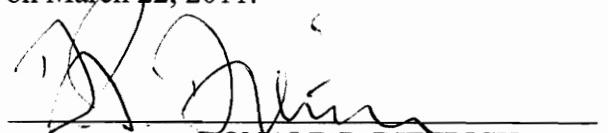
DAVID MINER

**ORDER APPOINTING
FEDERAL PUBLIC DEFENDER**

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he/she: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Public Defender is appointed to represent the above named defendant for proceedings in this District in this case. The defendant may be required to contribute to the cost of this representation depending on circumstances to be determined at a later date.

DONE and **ORDERED** in Orlando, Florida on March 22, 2011.



DONALD P. DIETRICH
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney
United States Marshal
United States Probation Office
Asst. Federal Public Defender
Pretrial Services Office

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

-v-

Case No. 6:11-mj-1148

DAVID MINER

APPEARANCE AND COMPLIANCE BOND

Non-surety: I, the undersigned defendant acknowledge that I and my personal representatives, jointly and severally, are bound to pay to the United States of America the sum of **\$10,000**, and there has been no deposit made into the Registry of the Court.

The conditions of this bond are that the defendant **David Miner** is to (1) appear before this Court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this Court or any other United States District Court to which the defendant may be held to answer or the cause transferred; (2) comply with all conditions of release imposed by the court, and (3) abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on this 22 day of March, 2011 at Orlando, Florida.

Defendant David Miner

Address 321 NEEDLES COURT, LONGWOOD, FL 32779

Surety _____

Address _____

Surety _____

Address _____

Signed and acknowledged before me on this 22nd day of March, 2011.

Deputy Clerk M. Sturk

Approved by: DONALD P. DIETRICH

DONALD P. DIETRICH
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No. 11-1148-01

DAVID MINER

**ORDER SETTING
CONDITIONS OF RELEASE**

IT IS ORDERED that the release of the defendant is subject to the following conditions and provisions:

- (1) The defendant **must not violate** any federal, state or local law while on release in this case.
- (2) The defendant **must cooperate** in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant **must immediately advise** the court, Pretrial Services Office, defense counsel and the U.S. Attorney in writing of any change in address and telephone number.
- (4) The defendant **must appear** at all proceedings as required and must surrender for service of any sentence imposed as directed. The defendant shall next appear in the United States Courthouse, Eastern District of Tennessee, Knoxville Division, in the Courtroom directed upon notice.

ADDITIONAL CONDITIONS OF RELEASE

In order reasonably to assure the appearance of the defendant and the safety of other persons and the community, it is **FURTHER ORDERED** that the release of the defendant is subject to the conditions marked below:

Unsecured Financial Condition

- The defendant executes an unsecured bond binding the defendant to pay the United States the sum of **\$10,000** in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.
- report as directed by the Pretrial Services Office.
- Surrender any **passport** to Clerk, U.S. District Court, Knoxville, TN.
- Abide by the following restrictions on personal association, place of abode, or travel: Defendant is restricted in residence and travel to the Middle District of Florida and Eastern District of Tennessee for court appearances..
- Refrain from possessing a firearm, destructive device, or other dangerous weapon.

- Report as soon as possible, to the Pretrial Services Office any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

329 NEEDLES COURT

Address

LONGWOOD, FL 32779

City and State Telephone
407-301-1811

DIRECTIONS TO THE UNITED STATES MARSHAL

- The defendant is **ORDERED** released after processing.
 The United States marshal is **ORDERED** to keep the defendant in custody until notified by the Clerk or Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: March 22, 2011



DONALD P. DIETRICH
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 11-1148-01

DAVID MINER

FINDINGS AND ORDER ON REMOVAL PROCEEDINGS
PURSUANT TO RULE 5(c), FED.R.CRIM.P.

DAVID MINER, having been arrested and presented before me for removal proceedings pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(d) thereof, and of the provisions of Rule 20, the following has occurred of record.

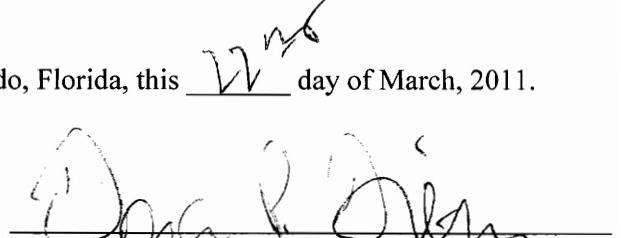
An Initial Appearance on the Rule 5(c) Indictment from Eastern District of Tennessee was held on March 22, 2011.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that **DAVID MINER** is the person named in the warrant for arrest, a copy of which has been produced.

It is, therefore,

ORDERED that **DAVID MINER** be held to answer in the district court in which the prosecution is pending.

DONE and **ORDERED** in Chambers in Orlando, Florida, this 27 day of March, 2011.



DONALD P. DIETRICH
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Charging District
United States Attorney
United States Marshal
Pretrial Services Office
Defense Counsel